

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JAMES NICE	)	CASE NO. 5:18 CV 1565
Plaintiff	)	
v.	)	JUDGE SARA LIOI
CITY OF AKRON, et al.	)	<b><u>FIFTH JOINT STATUS REPORT</u></b>
Defendants	)	

Now come the Parties, by and through undersigned counsel, and submit the following Joint Status Report:

1. **DISCOVERY**

Both parties served written discovery requests and responses. The parties have supplemented those responses.

The following depositions have occurred: Mayor Horrigan, Chief Ball, Deputy Chief Caprez, Sgt. Simcox, Jim Nice, Joe Nice and Karen Hoagland.

The following depositions have not been set as of this filing: Deputy Mayor for Public Safety Charles Brown, Deputy Mayor for Labor Relations Randy Briggs, Detective Pam Brown and Matthew Meyer, Cuyahoga County Prosecutor's Office.

2. **SETTLEMENT NEGOTIATIONS**

There have been no settlement discussions between the Parties.

3. **OUTSTANDING MOTIONS**

Non-Parties Matthew Myer and the Cuyahoga County Prosecutor's Office filed a Motion to Quash the deposition subpoena for Matthew Myer and the subpoena *duces tecum* for Cuyahoga County Prosecutor's Office served upon them by Plaintiff. The Non-Parties have also filed a Motion for a Protective Order. (Doc. 29). Plaintiff's counsel intends to file a response opposing these Motions.

4. **CASE DEVELOPMENTS**

The Parties have reached an agreement with counsel for JN for the limited use of his sealed criminal records for purposes of this case. Therefore, counsel does not need to submit this matter for the Court's consideration. The Motion filed by the Non-Parties discussed above, may give rise to a request to deviate from the Case Management Plan.

Respectfully submitted,

**EVE V. BELFANCE**  
Director of Law

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**PROOF OF SERVICE**

The undersigned certifies that the foregoing Joint Status Report was filed electronically on June 6, 2019. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

S/ Michael J. Defibaugh